

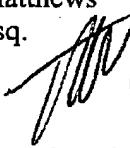
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BROMBERG &amp; SUNSTEIN LLP

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TO Patent and Trademark Office FAX 571-273-8300  
FROM Examiner William H. Matthews  
Timothy M. Murphy, Esq.   
PHONE PAGES 8 (INCLUDING THIS SHEET)  
RE DATE 3/20/2006  
Amendment or Response After Final Rejection  
U.S. Patent Application for Medical Implant  
Application No. 10/722,109  
Filed: November 25, 2003  
OUR FILE 2757/101 YOUR FILE Application No. 10/722,109

## COMMENTS

Please see attached.

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

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**MAR 20 2006**

**Practitioner's Docket No. 2757/101**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Marc O. Schurr

Application No.: 10/722,109

Group No.: 3738

Filed: 11/25/2003

Examiner: Matthews, W.H.

For: Medical Implant

**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

*3738*

**Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL**

- Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

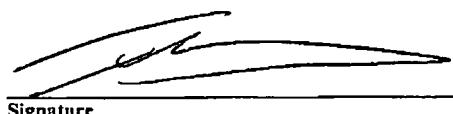
**37 C.F.R. § 1.10\***

37 C.F.R. § 1.8(a)  
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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.



Signature

Date: March 20, 2006

Timothy M. Murphy

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

01 FC:1253 01 FC:1253 00000033 194972 10722109

**STATUS**

2. Applicant is other than a small entity .

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee:	\$1,020.00
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**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. FEE
TOTAL 5	MINUS 28	= 0 x \$ 50.00	= \$ 0.00
INDEP 1	MINUS 3	= 0 x \$ 200.00	= \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		+ \$ 0.00	= \$ 0.00
		TOTAL \$ 0.00	
		ADDIT. FEE	

No additional fee for claims is required.

**FEE PAYMENT**

5. Authorization is hereby made to charge the amount of \$1,020.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

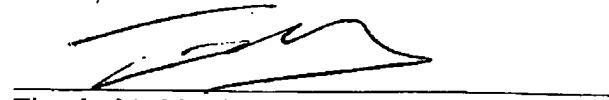
A duplicate of this paper is attached.

**FEE DEFICIENCY**

6. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Date: March 20, 2006



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617-443-9292  
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Amendment or Response After Final Rejection --page 3 of 3

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schurr                                  Att'y Docket: 2757/101  
Serial No: 10/722,109                              Examiner: Matthews, W.H.  
Date Filed: November 25, 2003                      Art Unit: 3738  
Invention: Medical Implant

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CERTIFICATE OF FACSIMILE TRANSMISSION

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March 20, 2006.

  
Timothy M. Murphy

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<b>RESPONSE UNDER 37 C.F.R. § 1.116</b>
<b>EXPEDITED PROCEDURE</b>
<b>EXAMINING GROUP 3738</b>

## RESPONSE C

Dear Sir:

In response to the Office Action mailed on September 22, 2005 and the advisory action mailed March 6, 2006 in response to the applicant response filed December 22, 2005, Applicants respond as follows.

**Amendments to the Claims** begin on page 2 in this paper.

**Remarks** begin on page 6 of this paper